

Düsseldorf

# Representation Preparation Course for Patent Attorneys and IP Lawyers

Get ready for the UPC!  
Apply until December 15<sup>th</sup>!

January 2024 – December 2024

## Düsseldorf Representation Preparation Course

According to Article 134 (1) (c) EPC and Article 48 (2) UPCA a European Patent Litigation Certificate is required for any European Patent Attorney, who wants to represent a party in front of the UPC.

You can get this Certificate by completing the following course.

Also lawyers can get ahead of the competition with insight into the Rules that govern the UPC.

The Law School of the Heinrich Heine University Düsseldorf Germany has organized a course on European Patent Litigation composed of eight modules of two days each and a module with a final seminar of three days. The content of this course covers the curriculum of Rule 3 of the EPLC Rules.

The course will be held at the Heinrich Heine University Düsseldorf at their city premises, "Haus der Universität" (University House), and at the Certosa di Pontignano (Siena) at the following dates:

- January 26<sup>th</sup> & 27<sup>th</sup>, 2024 (University House)
- March 15<sup>th</sup> & 16<sup>th</sup>, 2024 (Siena)
- April 18<sup>th</sup> & 19<sup>th</sup>, 2024 (Siena)
- May 30<sup>th</sup> & 31<sup>th</sup>, 2024 (Siena)
- June 28<sup>th</sup> & 29<sup>th</sup>, 2024 (University House)
- September 06<sup>th</sup> & 07<sup>th</sup>, 2024 (Siena)
- October 04<sup>th</sup> & 05<sup>th</sup>, 2024 (Siena)
- October 31<sup>th</sup> & November 1<sup>st</sup> & 2<sup>nd</sup>, 2024 (Siena)
- December 13<sup>th</sup>, 2024 (University House)

**Four of the Modules can be taken online! (Not the 1st Module, 8th Module and the Exam Module)**

The lectures are mainly held in English. They will be given by experts from university and from judiciary as well as by lawyers from different Member States. After passing an oral examination relating to the content of the course, a European Patent Litigation Certificate of the Heinrich Heine University Düsseldorf is awarded to all successful participants.

### Tuition

Tuition fees are € 3900 and are due after sign up.  
This does not include accommodation and meals.

More information and an online application form are available at:

[www.repprep.eu](http://www.repprep.eu)

### Application

Applications for the program beginning on  
January 1<sup>st</sup>, 2024 can be submitted until

December 15<sup>th</sup>, 2023.



## Düsseldorf – A Center for Intellectual Property Law

The Düsseldorf region is an internationally recognized center for law, consulting, and business with about 100,000 firms and 5,000 affiliates and subsidiaries of foreign enterprises. With courts specialized in patent law with international reputation, and as a leading marketing center, Düsseldorf is already a European center of intellectual property law. This position will be bolstered by the newly-created local division of the UPC in Düsseldorf.

## Law Faculty of the Heinrich Heine University of Düsseldorf

Since its founding in 1992, the Law Faculty of the Heinrich Heine University Düsseldorf has been ranked (according to the Zeit/CHE rankings) as one of the top institutions for teaching and research in the country. The business-law oriented faculty networks extensively in the field of patent law with the numerous courts, businesses, administrative agencies, and law firms in an area with one of the highest concentration of patent lawyers in Europe. This leads to an outstanding ability to teach advanced topics in patent law i.e. patent litigation incorporating the latest practice advices.

## Convention Centre near Siena

Inside its buildings dating back to the Middle Ages, the Certosa di Pontignano comprises the University of Siena's Official Convention Centre, offering services and premises for training seminars and congress activities. In fact, it is famous for being one of the most important academic convention centres in Europe.

The Certosa offers catering facilities in its own restaurant, with obligatory lunch there during the days of the course (to be settled by the respective participant directly with Certosa at abt. 30,- per day) as well as a common evening event during the seminar module (Module 8) of the patent litigation course. Siena, the medieval student city with its world-famous Campo and Cathedral, can be reached in about 15 min. by taxi or 30 min. by bus from the Certosa.

## Address

The "Haus der Universität" (University House) is located at Schadowplatz 14, Düsseldorf, Germany and the Certosa di Pontignano is located Loc. Pontignano, 5 - 53019, Castelnuovo Berardenga (SI)  
Four of the Modules can be taken online! (Not the 1st Module, 8th Module and the Exam Module)

# The Curriculum

## Module 1

- **Introduction**  
The EU Patent Package and the Unified Patent Court, Representation before the Unified Patent Court
- **Introduction into European Law**  
Fundamental Principles of EU Law, TEU, TFEU, European Charter of Human Rights, European Union Institutions, European Secondary Legislation (Regulations, Directives)
- **Introduction into Legal Methodology,**  
A Patent Lawyers legal toolbox
- **Introduction into International Civil Procedure Law and related aspects**  
BRUSSEL I Regulation (EU Regulation 1215/2012 and 542/2014), Lugano Convention, Rome II Regulation, Enforcement Directive, EPC Protocol on Recognition
- **MOCK TRIAL**  
Mock Trial Group partitioning  
Nomination of the group speakers and co-speakers,  
Hand out of the groups' instructions, Introduction into the case

## Module 2

- **The European Court of Justice**  
Structure, Organisation, Operation and Jurisdiction of the European Court of Justice and of the Court of First Instance (General Court), Case law of the European Court of Justice in Patent Matters
- **Conflict of Laws:**  
International Law in Patents, The relationship between different legal jurisdictions in the EU
- **MOCK TRIAL**  
1st Conference of the Claimant Group  
1st Conference of the Defendant Group

## Module 3

- **Interpretation of European Patents**  
Subject Matter and Scope of Protection under Art. 69 EPC in Germany, France and Italy
- **Unitary Patent Protection and Unified Patent Court**  
The so called Patent Package

- **The Instrument of Enhanced Cooperation according TEU and TFEU**
- **MOCK TRIAL**  
1st Conference of the Court Group  
(Discussion: Statement of Claim)  
2nd Conference of the Defendant Group  
(Preparation: Statement of Defense)

## Module 4

- **The Roots of Civil Procedure Law in Europe**  
Roman Civil Procedure Law as common roots of European Civil Procedure Laws, The Roots of Civil Procedure Law in Europe and their Expression in France, England and Germany - a short introduction and overview
- **Patent Litigation in Germany, France and Italy**  
German, French and Italian procedure in patent litigation
- **Saisie Contrefaçon**  
The French and German practice in comparison with the analogous provisions of the UPC Agreement
- **MOCK TRIAL**  
2nd Conference of the Court Group  
(Discussion: Statement of Defense)  
2nd Conference of the Claimant Group  
(Preparation: Reply)

## Module 5

- **Theory of Comparative Legal Analysis**  
Methodology of Comparative Legal Analysis, Contract Law, Tort Law, Company Law
- **Practice of Comparative Legal Analysis**  
Contractual Exploitation of IP-Rights, Overview on contractual exploitation: Transfer of Ownership vs. Licensing, The delineation between the lex protectionis (IP-law) and lex causae (contract law), Practical Differences between German, French and English contract law
- **MOCK TRIAL**  
3rd Conference of the Court Group Discussion: Reply  
3rd Conference of Defendant Group (Preparation: Rejoinder)

## Module 6

- **Introduction into the proceedings before the UPC**  
Rules of Procedure of the Unified Patent Court
- **Infringement Proceedings, Nullity Proceedings**  
Declaration for Non-Infringement in the proceedings before the Unified Patent Court, Appeal Proceedings
- **Oral Proceedings before the UPC**  
A comparative approach to Unified Patent Court Hearings
- **Customs Enforcement of Patent Rights in Europe**  
Regulation (EU) No. 608/2013
- **MOCK TRIAL**  
4th Conference of the Court Group (Discussion: Rejoinder),  
3rd Conference of the Claimant Group,  
4th Conference of the Defendant Group  
(Preparation of Interim Conference and Hearing as well as  
Preparation of the Position Paper for Mediation)

## Module 7

- **Introduction into legal working technique**  
in civil proceedings governed by the principle of party presentation
- **Introduction to lawyers working tools**  
in civil proceedings esp. for patent attorneys
- **EU Antitrust Law and IP i.e. Patent Law**  
An introduction into European antitrust law with a focus on block exemption regulations and FRAND related objections in patent litigation
- Provisions of the Rules of Procedure relevant to Oral Hearings
- **MOCK TRIAL**  
Deliberation of the case in the Court Group and preparation of the interim conference and the main hearing  
Procedural law issues (admissibility)  
Substantial law issues on patent validity.  
Substantial law issues on patent infringement
- **Mock Trial Interim Conference**  
Interim Conference with Court Group acting together with the Judge Rapporteur Claimants Group and Defendants Group

## Module 8 – SEMINAR MODULE

- **Drawing of the examination paper topics**  
for all participants except members of the Court Group  
Court Group Members have to write the judgement of the mock trial
- **Mediation/Arbitration alternatives to litigate patents**
- **MOCK MEDIATION**
- **MOCK TRIAL**  
Preparation Mock Trial Main Hearing  
Pre Main Hearing Deliberation of the case with the Court Group
- **Mock Trial Main Hearing**
- **Deliberation of the Mock Trial Court**  
Afterwards: Announcement of the Decision
- **Mock Trial Evaluation**

## EXAM MODULE

- **Oral Examination**
- **Hand-Out of the Provisional Certificates of attendance to the successful participants**



Zentrum für Gewerblichen Rechtsschutz

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